Response

by the Correctional Services Division
Nova Scotia Department of Justice

to

the Correctional Services
Employment Systems Review

September 22, 2004

Table of Contents

1. **Introduction**

2. **Message from the Deputy Minister**

3. **Key Messages**

4. **History of Corrections in Nova Scotia**

5. **Context - Current Environment in Corrections**

6. **Report - Overview of Methodology and Process**
   a. Goals and Objectives
   b. Anticipated Methodology
   c. Actual Methodology

7. **Narrative Response from Correctional Services, on:**
   a. General Recommendations
      i. Language
      ii. Hiring
      iii. Labour
      iv. Communications
      v. Training
      vi. Follow-up
   b. Recruitment
   c. Selection
   d. Retention
   e. Training and Development
   f. Promotion/Upward Mobility
   g. Layoff, Recall, Discipline, Termination

8. **Where to From Here?**

Appendix A - Code of Professional Conduct - Correctional Services

1. Introduction

The Employment Systems Review was announced by Hon. Michael Baker, Minister of Justice, on October 6, 2003. Its purpose was to explore whether there are any systemic barriers to employment within the Correctional Services division of the Nova Scotia Department of Justice.

It was agreed that the Nova Scotia Public Service Commission would lead this process. The review would involve an examination of the formal and informal policies and practices in such areas as recruitment, hiring, selection, retention, career development, promotion, discipline and termination. The Public Service Commission was also asked to provide recommendations to address any barriers that might be identified. Ms. Terry Mills was contracted to co-ordinate the Employment Systems Review with oversight provided by the Commission.

The Department of Justice acknowledges the contributions that were made by the many staff within Correctional Services who responded to a questionnaire and who took part in focus groups throughout the province. We also extend our appreciation to members of the advisory committee who provided advice to Ms. Mills as she gathered information during her review. Finally, our thanks to Ms. Mills for her professionalism and her diligence in completing the review on schedule by March 31, 2004.

2. Message from the Deputy Minister

I would like to thank the many people who contributed to the original report by author Terry Mills, and those who helped prepare our response. In particular, I acknowledge the efforts of Executive Director Fred Honsberger, who has contributed a wealth of historical background and perspective based on his considerable experience in Correctional Services.

Our original intention, which we had shared with the advisory committee, was to respond quickly to the Mills report. As it turned out, we needed more time to deal with the sheer number of recommendations that came forward. In the end, I'm confident that the document you're now reading will provide accurate information that will help you add perspective.

Some of the report conclusions were troubling, but when examined closely, do not appear to be factual. Our job then is to reassure staff that an apparent problem does not, in fact, exist or if it does, is not as bad as it appears.

We've taken a bit longer than planned for a second reason. The report recommends the study of certain policies and practices, something we assumed would have been done as part of the review. It was perhaps a mistake on our part to think that this could have been accomplished in the time frame allowed for the review. I say that not as a criticism, but as an indication of the enormity of the subject matter.

Our response is really all about the future. It's about finding those best practices that will help us deliver effective, accountable service to the citizens of Nova Scotia.

Douglas J. Keefe, Q.C.
Deputy Minister of Justice

3. Key Messages

- Correctional Services will act on many of the practical recommendations that came forward, as the division develops up-to-date business plans.
- Correctional Services will engage the Public Service Commission for further advice on recommendations that require more discussion or could involve other stakeholders.
- Correctional Services is proud of its Code of Professional Conduct and its compliance with government's Affirmative Action program. (See Appendix A for complete text of the Code of Professional Conduct)
- Correctional Services will continue its tradition of being open to dialogue about best practices and service excellence.
- Correctional Services will continue to promote an inclusive workplace.

4. History of Corrections in Nova Scotia

The history of Nova Scotia Correctional Services is, in many respects, a reflection of the rich history of Nova Scotia itself.

Nova Scotia developed a county-based system of government before most provinces in Canada were formed. Each county provided for its own schools, courthouses and jails with minimal provincial oversight. Nova Scotia is the only province in Canada that did not develop a provincial jail system in addition to the county jail network.

All other provinces in Canada operated provincial jails as well as county jails and, in the mid-1990s, also assumed responsibility for the administration and operation of their county jail systems. Nova Scotia was the last province to assume responsibility for county jails and this changeover occurred on April 1, 1986.

This transfer of responsibility was a natural consequence of the evolution of correctional services in Canada. It was clear that standard, province-wide processes were needed for staffing, training, occupational health and safety, fire safety, programming and overall operations. Such services could not be provided consistently on a county-by-county basis and county governments could not afford the enhanced requirements that were being set by provincial governments.

Before 1970, 18 county jails existed in Nova Scotia. The Pictou Jail burned that year, and jails at Richmond, Victoria, Digby and Annapolis were closed by the early 1980s. The 13 remaining county jails were turned over to the province in 1986. Staff at the 13 jails (today, we prefer to call them 'correctional facilities') were represented by four unions: the Correctional Officers' Association of Nova Scotia (COANS); Police Association of Nova Scotia (PANS); Canadian Union of Public Employees (CUPE); and the Nova Scotia General and Government Employees' Union (NSGEU).

It was agreed at the time of the service transfer that employees at correctional facilities would be required to choose one bargaining group. The bargaining group which was initially selected was the Police Association of Nova Scotia (PANS), which was succeeded by the Nova Scotia Government Employees Union, an arrangement that continues to this day. Today, adult correctional facility employees are represented by NSGEU Local 480 and are classified as *public* servants. They are separate from NSGEU *civil* servants, who include youth facility and community corrections staff. This distinction means staff cannot transfer between the two bargaining units. It's a challenge noted in the Employment Systems Review.

Considerable activity occurred between 1986 and 1994 as correctional facility operations were standardized through improvements to the physical structures of the remaining county jails, staff training, hiring standards and the implementation of common policies, procedures and standing orders. However, despite efforts to standardize operations, long-standing cultural differences which were entrenched during the municipal days of operation understandably lingered and affected the timely blending of operations between former county facilities now under provincial oversight.

The configuration of adult correctional facilities in Nova Scotia changed in 1990 with the closure of facilities at Hants, Shelburne, Liverpool and Inverness. Further changes occurred in 2001 when the Central Nova Scotia Correctional Facility was established at Burnside and facilities at Kings, Colchester, Lunenburg, Guysborough and the former Halifax Correctional Centre were closed. Five adult facilities currently remain at Dartmouth, Cape Breton, Antigonish, Amherst and Yarmouth. The former 1860s vintage Yarmouth jail closed on April 1, 2004 and was replaced by the new Southwest Nova Scotia Correctional Facility at Yarmouth.

Young offender services were also operated under separate administrations in Nova Scotia prior to 1994. When the *Young Offenders Act* was implemented in 1985, it was determined that the Shelburne Youth Facility would continue to be operated by the Department of Community Services and that the Nova Scotia Youth Facility at Waterville, which was built in 1988, would be operated by the Department of Justice. Community corrections (probation) services for youth under 16 continued to be provided by the Department of Community Services.

The Shelburne facility housed young offenders from 12 to 15 years of age, and Waterville primarily housed young offenders aged 16 and 17. Female youth were held at Shelburne. An arrangement for shared administration of the *Young Offenders Act* existed between the Departments of Community Services and Justice prior to 1994.

On August 1, 1994 responsibility for *all* youth custody and community corrections services was consolidated with the Department of Justice. Efforts were then made to harmonize the different operational cultures which existed at Shelburne and Waterville. This process progressed successfully until it became necessary for the Department of Justice to respond to the allegations of historical abuse at Shelburne. Although a response was necessary and unavoidable, the timing was unfortunate and detracted from the good efforts being made by frontline staff to blend operational cultures between the two facilities.

Community Corrections, which includes probation services, were, similar to other provinces, initiated in the early 1950s. Our program grew slowly until the early 1970s and evolved as the justice system in Canada evolved with changes to the *Criminal Code* and the introduction of new sentencing options. Today, Nova Scotia has the highest or second highest (depending on the year) per capita use of probation services in Canada and the lowest per capita use of sentenced custody in Canada. This probation/custody ratio difference is considered to be a positive reflection on the good work that is provided by the 70 probation officers who are located in 16 probation offices throughout Nova Scotia.

5. Context - Current Environment in Correctional Services

The provision of correctional services in Canada is divided between the federal and provincial governments.

The federal government is responsible for the operation of penitentiaries which hold offenders for sentences of two years or greater. The federal government is also responsible for the administration of the National Parole Board which authorizes the release of offenders from custody and for the supervision of such offenders in the community following their release.

Provincial and territorial jurisdictions are responsible for the custody of adult offenders serving sentences of less than two years and for youth custody, community corrections (including probation services for adults and youth) and people who have been remanded by the courts. Remands fall into two categories:

1. Persons who have been placed in custody awaiting trial. These persons have not been found guilty but they have been remanded due to a concern that they may commit a further offence if they are at large in the community or that they may fail to show up for their next court appearance. Persons in this category may be in custody for over a year, depending on the complexity of their trial and the frequency of adjournments.

2. Offenders who have been found guilty and are awaiting sentencing. This category of offender is normally in custody for a brief period. Sentencing typically occurs within several weeks after the trial.

The federal and provincial governments each face unique challenges. Federal corrections responds to the need to provide custody for long-term sentences including life sentences. Inmate activity, employment and leisure programs are major considerations for federal officials because their inmates are long-term residents, in many cases for decades. So in many ways, the federal correctional environment is a community, similar to a village or small town. Obviously, safety and security issues are significant in view of the violent nature of many long-term offenders and the fact that interpersonal relationships have an opportunity to fester over time. Mental health and behavioural issues are also complicating factors.

The challenge for provincial and territorial correctional jurisdictions is different but equally complex. Remanded offenders now comprise between 40 and 50 per cent of the total offender population in most provincial/territorial jurisdictions. It is important to note that all offenders who are eventually sentenced to federal penitentiaries pass through provincial institutions while on remand pending sentence to federal facilities.

Remands are a complex group to administer because of their "fresh arrest" status and the fact that many are withdrawing from alcohol and drugs. This situation is made worse as they are separated from spouses, family members and friends. A further complicating factor is the uncertainty of their trial. There's also potential for remands to attempt to interfere with witnesses. In short, they are a comparatively volatile, challenging group. They present unique difficulties for correctional workers.

Another factor which differentiates federal and provincial custody is the comparatively high turnover and admission/discharge activity within provincial and territorial facilities. In federal custody the inmate population is relatively constant with a low number of admissions and discharges each week or month. In provincial and territorial correctional facilities the admissions and discharge area of the institution is highly active with short-term remand and sentenced inmates coming and going on a daily basis. In particular, there's a high level of activity during early morning hours when remands are transported to and from courts across the province.

The complexity of this environment requires that correctional facilities operate in a comparatively prescriptive manner with adherence to daily schedules, policies, procedures, standing orders, post orders and careful observation of occupational health and safety requirements. Safety and security are paramount considerations in all correctional environments.

Probation officers who work in community corrections offices have their own unique challenges with safety and security. The vast majority of offenders who serve time in federal or provincial custody have been supervised in the community by a probation officer and have reported to a probation office. Community supervision presents unique challenges because of the possibility that the offender is actively abusing alcohol or drugs, despite conditions in the probation order to the contrary and the potential for 'acting out' behaviour is always present. Considerable work has been done in recent years to improve the safety of probation offices through attention to security barriers, locked doors, offender traffic patterns between reception area and offices, safety buzzers in each probation officer's work area and special work place safety training. Special care is also required when probation officers visit the home of the offender.

It used to be said that the 20th century correctional workplace, particularly at the institution level, violated each of the human senses of touch (concrete and steel), sound (metal clanging), sight (jail colours, concrete, steel), smell (smoke - until recently in Nova Scotia) and taste (deep fried everything – until recently in Nova Scotia).

New correctional facility construction, better office arrangements, procedures and training are important but they do not entirely address the most important sense that continues to challenge staff in the corrections environment – the sixth sense – instinct.

Instinct is the ever-present awareness of the potential for problematic behaviour by offenders. It has been said that lack of attention to this sixth sense creates an unhealthy level of stress which may, over time, have a negative impact on the health of staff.

The solution is to create a work environment where staff interaction with both offenders and other staff is positive, courteous, productive -- and even fun. In order for staff to be at peace with their work environment, it is necessary to ensure that the work environment is safe. A safe work environment is only possible if offenders and staff have a clear understanding that managers and staff are in absolute control of the work place. This will only be achieved if operations are characterized by professionalism, firmness, fairness, consistency and a recognition by all that there is zero tolerance for any form of intimidating behaviour.

Our objective in all correctional environments is two-fold:

- To hold people in custody in a safe and secure manner and to supervise offenders safely in the community.

- To provide offenders with opportunities and to encourage their involvement in activities that can change their attitudes and behaviour.

Positive program activities will succeed only if they are built on a solid foundation of safety, security and control of the work environment.

For that reason, in 2001, Correctional Services added a Code of Professional Conduct to our detailed policies and procedures. The Code addresses the need for mutual respect, teamwork and zero tolerance toward all forms of harassment and intimidation. The Code of Conduct is intended to promote a healthy, safe and harmonious work environment that lead to productive outcomes for offenders.

6. Employment Systems Review Report Overview

From the outset, we were of the view that the Employment Systems Review would be based on a thorough audit of the employment policies and practices of Correctional Services which are administered by the Human Resources Division of the Department of Justice, in co-operation with Correctional Services. It was assumed that each process would be analysed, based on historical documentation, and assessed against standards set by the Public Service Commission.

The Employment Systems Review was initially intended to focus on African Canadian issues. At our suggestion, the scope was broadened to include women, Aboriginal staff and persons with disabilities. We felt the review should assess all categories of employee issues within Correctional Services.

We thought a broader approach would also focus attention on the needs and concerns of female staff working in correctional facilities. Gender issues in adult correctional facilities have become topical in recent years as more women have entered this previously male-dominated work force. This would be a timely opportunity to assess the evolution of this development within Nova Scotia Correctional Services, and to benefit from recommendations that could see even more progress.

Although gender issues were given strong emphasis in the report, African-Canadian issues were not emphasized to the extent that was hoped for. This is unfortunate because African-Canadian concerns sparked the initiative to prepare the employment systems review in the first instance. We are committed to continuing to work closely with our African-Canadian Liaison Committee and staff to identify areas for further collaboration.

Staff across the province deserve to be recognized for the good work which they do and for their recognition that much more work will always be needed as Correctional Services in Nova Scotia continues to evolve toward a new vision of operations.

Having stated the above, it is important to understand that Correctional Services acknowledges two important points as follows:

- That Terry Mills approached the completion of this report with integrity and without bias. The shortcomings which have been noted are entirely the result of a methodology which, although appropriate in some circumstances, was not well-suited to the specific objectives of this review.

- The report makes a number of good, constructive recommendations. These recommendations will help to "stretch" the organization as we work toward our vision of operations.

Correctional Services believes that both the work environment of the division and our work with offenders will be advanced, for the better, within the next two years as a result of those helpful recommendations.

6. (a.) Goals and Objectives

"To ensure that the employment policies, practices and procedures of the Correctional Services Division promote equity in the work place, consistent with the expectations of the Nova Scotia Public Service Commission with respect to all government departments, agencies, boards and commissions. The review will identify any barriers to achieving that goal and will make recommendations for overcoming these barriers."

6. (b.) Anticipated Methodology

Based on the foregoing, we were looking forward to fact-based recommendations, underpinned by:

- A statement of a clear definition of 'systemic discrimination' and 'employment equity'.
- Identification of the expectations of the Nova Scotia Public Service Commission with respect to each category of employment outlined in the review.
- An audit of documents within the Human Resources division of the Department of Justice, including a retrospective analysis of Correctional Services employment practices in each category. Eg: analysis of previous postings, competitions, disciplinary practices, etc.
- A determination of findings, based on facts, as to whether or not our practices are consistent with standards and expectations of the Nova Scotia Public Serviced Commission.
- Determine whether our HR and Corrections practices are consistent with the expectations and practices of other departments, agencies, boards and commissions as required by the Nova Scotia Public Service Commission.
- Identify findings of inconsistency, as above.
- Provide recommendations for corrective action.

We were confident that a thorough, fact-based audit would confirm there is no 'systemic discrimination' within Correctional Services. We did expect that recommendations could certainly be made to help us improve upon the significant progress in recent years. And we continue to be open and receptive to positive suggestions from our staff, the public and other organizations with expertise in these issues.

6. (c.) Actual Methodology

Unfortunately, the process did not include a formal audit of our employment policies, practices and procedures.

The review was largely based on responses to questionnaires and focus groups. These study tools are useful, and we value the information they can provide in certain contexts.

The questionnaire which was sent to all Correctional Services employees was completed with a response rate of 55.2 per cent. Twenty-five (25) per cent of that group were casual, part-time or term positions. The survey asked respondents to provide their opinions with respect to a broad range of employment practices within Correctional Services. The report notes that the survey would take approximately ten minutes to complete.

Information was also received from individuals in focus groups. Approximately 57 individuals, mostly from Correctional Services, participated in the focus groups.

The methodology also included a document review of legislation regulations and agreements, policy and procedures manuals and the Justice HR recruitment and selection binder. The goal was to assess a finite range of employment practices for systemic discrimination, based on a pre-determined definition of systemic discrimination and measured against specific standards. The methodology that was used only partially supported this goal.

7. Narrative Response to Recommendations

The Employment Systems Review contains 133 recommendations which are organized in seven sections :

a. General Recommendations
b. Recruitment System
c. Selection System
d. Retention System
e. Training and Development System
f. Promotion/Upward Mobility System
g. Lay-off, Recall, Disciplinary Action and Termination Systems

7. (a.) General Recommendations

Responsibility for action in response to many of the recommendations extends beyond Correctional Services and includes the Public Service Commission, the Department of Justice and the Human Resources CSU of the Department of Justice.

The general recommendations encompass both documents and processes at the provincial and departmental level including the following:

- *Civil Service Act and Regulations*
- Human Resources Management Manual 500
- Justice HR Recruitment and Selection Binder
- Correctional Services Policies & Procedures and Standing Orders
- Collective agreements

Themes of the general recommendations include the following:

- Language (gender/cultural bias)
- Hiring processes
- Labour/collective agreements
- Communication
- Training
- Follow-up regarding report

7. (a.) (i.) Language

Report recommends: that the *Civil Service Act and Regulations*, Management Manual 500, DOJ HR Recruitment and Selection Binder, and Correctional Service Policies/Procedures, Standing Orders and labour contracts be examined for gender and cultural bias.

Our response: It is not clear from the report whether there has been any substantiated finding of cultural bias in any of the above documents, nonetheless, the recommendation for review is accepted based on the principle that there is no place for gender or cultural bias in such documentation. Both the Department of Justice and the Public Service Commission are aware of the need for both gender and cultural sensitivity in documentation. Documents are vetted for this purpose on an ongoing basis. It is acknowledged, however, that some older processes which have not been updated recently, including the collective agreements, may contain language that does not meet current standards. For this reason all documents will be reviewed further to achieve compliance. Obviously, NSGEU's agreement will be required for changes to contractual documents.

7. (a.) (ii.) Hiring Processes

Report recommends: that Justice HR create a position to be filled by a designated group member who will participate in interviews in Correctional Services. The report also recommends that Justice HR track applications, hiring, promotions and terminations for designated groups and report the results to staff.

Response: Although none of the HR Consultants is African-Canadian or disabled, four of

the five consultants are female. African-Canadian representation on interview panels within Correctional Services is provided periodically by including one of our African-Canadian captains at the Central Nova Scotia Correctional Facility in Burnside. It is common practice for Justice HR to automatically consider the makeup of all interview panels to make sure it's appropriate. Consultants from across government are often interchanged between departments to achieve balance.

We also feel it is important to recognize that although representation by designated groups is appropriate, it is equally important to ensure that we avoid tokenism. Issues like this must be handled with sensitivity to designated groups. We acknowledge the importance of this recommendation and the need to continue to seek opportunities to ensure diversity on interview panels.

Although we understand the intent of developing a tracking system, it is not clear that data collection would provide us with useful information. However, we would like to try. Data will be collected for a six month trial period to determine whether useful outcomes result. The Public Service Commission will exam this issue from a provincial perspective as well. We expect that our own data collection will be based on procedures established by the Commission.

A key issue for the Department of Justice is to continue to develop processes consistent with the provincial Affirmative Action Policy. All Correctional Services hiring processes are currently vetted by Human Resources for consistency with government's broader policy. Processes that are put in place must recognize that some applicants do not self-identify and that statistics that are developed based on current information are not entirely accurate.

The report compares the percentage of designated group members who work in Correctional Services with the percentage of designated groups in the working population of Nova Scotia. While this is a useful guide, another factor is the relationship between the corrections work force and the offender group that it supervises, both in custody and the community. That offender population is predominantly male (90%) and disproportionately African-Canadian (20% at the Central Nova Scotia Correctional Facility, Burnside). This suggests that we should have more African Canadian correctional workers than we have, even though current numbers reflect the workforce.

7. (a.) (iii.) Labour

Report recommends: that the distinction between the civil service and Local 480 public service bargaining units of the Nova Scotia Government Employees Union (NSGEU) should be removed.

Response: Our primary concern with the two distinct bargaining units is the fact that staff cannot transfer between these bargaining units with the same ease and entitlement as they can within their own bargaining unit. This prevents correctional workers from moving into probation officer and youth worker positions in the civil service and prevents civil servants from moving into correctional worker positions. Although this recommendation is beyond the scope of the review, the Department of Justice and the Public Service Commission will continue to raise this issue with the NSGEU within the context of collective bargaining.

7. (a.) (iv.) Communications

Report recommends: that lines of communication between head office and field staff and between management and bargaining unit staff should be improved. The report also recommended that the Deputy Minister meet on April 30, 2004 with the advisory committee which worked on the employment systems review, that the department respond by June 30, 2004, that a further meeting with the advisory committee occur in early December, 2004. It also suggested that reports be made to the advisory committee members and Correctional Services staff every six months thereafter.

Response: Correctional Services recognizes the importance of communication between head office and correctional facilities/community corrections offices. That is why we have established policies and procedures that are updated and issued to staff regularly, an ambitious training program, structured meetings, work site visits and a divisional newsletter.

The Director of Community Corrections visits all offices twice per year and attends local staff meetings. Staff concerns are heard at these meetings and at quarterly district meetings which are also attended by the Director. In addition, the Director meets with each Senior Probation Officer twice per year for performance management reviews and chairs a provincial Community Corrections conference in November of each year.

The Director of Correctional Facilities visits work sites three times per year and holds meetings with superintendents four times per year.

Correctional Services has a network of 42 part-time trainers who are normally employed as frontline correctional workers, youth workers and probation officers. The co-ordinator of staff training meets with the senior management committee on a quarterly basis and attends the superintendent/senior probation officer meetings twice per year for training planning purposes. In addition, a provincial program committee which involves representatives from each employment sector meets four times per year to plan program development and connect program development with both training and policies/procedures.

The Executive Director, Correctional Services visits all work sites in the province at least twice per year and communicates an open door policy to all staff.

Superintendents hold morning meetings with senior staff each day and general management meetings each week. Senior Probation Officers hold monthly office meetings with staff.

We recognize that structured communication is essential for Correctional Services to achieve its objectives and for staff to understand and contribute to both the mission and vision. Efforts to improve communication should always be made and this recommendation is accepted based on that principle.

The series of recommendations which require the Deputy Minister to meet with the advisory committee at various intervals is overly prescriptive. It would not have been appropriate for the Deputy Minister to meet with the advisory committee on April 30, 2004 because the Deputy Minister would not have had an opportunity to review the report and to make constructive comments in response. That meeting took place in June 2004.

The advisory committee has been replaced by the Equity Committee with terms of reference that have been clearly identified. The Equity Committee terms of reference are similar to those of the Black Staff Liaison Committee which has been in place within the Correctional Services Division for approximately four years. The Equity Committee has nine members who represent the four regions of the province, three work site categories, both genders, all designated groups, all bargaining unit categories and management. The Equity Committee met in July to review the report and the Deputy Minister will meet with the Equity Committee in early December, 2004.

Correctional Services is open and transparent about this process. Our response will be shared with staff and all Nova Scotians, and we will continue to invite dialogue through our internal business planning process and in other forums throughout the year.

In practical terms, the Equity Committee will work with Correctional Services managers to ensure that the response strategy that is developed by the Department is implemented.

7. (a.) (v.) Training

Report recommends: that performance management training be provided to all Correctional Services staff and that work be done with staff regarding development of equity performance goals. The report also recommends that all categories of Correctional Services management receive training with respect to diversity and culture/gender issues and instruction on how to communicate follow up to the report. The report specifies that no management should be excluded from this training.

Response: The recommendation regarding performance management training is positive and appropriate, although the suggested time frames are too tight and would be costly to implement in view of other mandatory priority training. Although the majority of management staff within Correctional Services have received performance management training, it is felt that this process should be expedited and that refresher training should be provided to all managers. Bargaining unit staff will receive information regarding the performance management process directly from their respective managers and also through a yet-to-be-determined information sharing process that is delivered jointly by Correctional Services and Human Resources.

We agree with the recommendation regarding the delivery of diversity and cultural/gender issues training to managers. It is worth noting the extent of diversity, employment equity, sexual harassment/no discrimination and respectful work place training which has already taken place and continues to be delivered.

Two hundred twenty-seven (227) staff have taken Diversity and Employment Equity (or its previous version) from the PSC. Fifty-six of the 71 staff identified by this recommendation completed Diversity for Leaders training prior to June 30, 2003. The former Sexual Harassment and No Discrimination training program - now named Respectful Workplaces - has been ongoing since September, 2001 for all staff, not just those identified in this recommendation.

Aboriginal perceptions training will become available from PSC in 2004 and special training opportunities for youth workers and probation officers are planned for the fall of 2004. Other staff will receive this training over time.

7. (a.) (vi.) Follow Up

Report recommends: that the Equity Manager function in Correctional Services become a full time position reporting directly to the Executive Director and that an additional position be established to take the lead on implementation of the recommendations of the Correctional Services Employment Systems Review, working with the Equity Manager and the Equity Committee. The report states that this position should be filled through the Fair Hiring Policy. Additional recommendations include a further employment systems review in 2009 and implementation of annual measurement of attitudes and perceptions of fairness and equity in the employment systems of Correctional Services.

Response: The Equity Manager function within Correctional Services will remain a function of an existing position. We believe that the Equity Manager role must be seen as being portable and transferable from person to person on a reasonably frequent basis, perhaps once every two years, to a broad range of staff which represent the various designated groups in Correctional Services and also representing the various work sites and bargaining units with sensitivity to gender mix. The primary role of the Equity Manager function is to chair the Correctional Services Equity Committee and, for that reason, the function should be rotational.

Likewise, it would not be appropriate to hire a person, independent of Correctional Services, to work with the Equity Manager and the Equity Committee to implement the recommendations of the report. An external person would defuse responsibilities from the existing accountability structure. The recommendations must be implemented by the Executive Director of Correctional Services, who is accountable to the Deputy Minister.

We will develop an action plan in response to the report, with guidance by a steering committee made up of representatives from the Department of Justice management group, Correctional Services, Human Resources and Public Service Commission with accountability to the Deputy Ministers of Justice and the Public Service Commission. The Executive Director will require all managers to share in the divisional response to the recommendations and will both seek the advice and require the assistance of the Equity Manager and Equity Committee in the development and implementation of an action plan.

Although it is too early to determine whether another review should be conducted in 2009, the overall concept that an ongoing review process should exist is sound. For that reason, an evaluation phase will be included in our action plan. It is anticipated that a further review will involve a retrospective analysis based on the following principles:

1. Statement of a clear definition of both systemic discrimination and employment equity.

2. Identification of the expectations of the Nova Scotia Public Service Commission with respect to each category of employment (recruitment, hiring, selection, retention, career development, promotion, discipline and termination).

3. Conduct an audit of the Human Resources documents, policies and practices with respect to Correctional Services employment practices in the identified areas. Review would include analysis of previous postings, competitions, disciplinary practices, etc.

4. Make a determination of findings, based on fact, with respect to compliance by both Human Resources and Correctional Services regarding each employment area.

5. Determine whether the findings of fact with respect to DOJ Correctional Services and HR employment practices are consistent with the stated expectations of the Nova Scotia Public Service Commission.

6. Determine whether the performance of Human Resources and Correctional Services in each employment category is consistent with the expectations and practices of other departments, agencies, boards and commissions as required by the Nova Scotia Public Service Commission.

7. Provide recommendations for corrective action.

Measurement of staff perceptions on an annual basis requires further review. We feel it would be more useful to solicit the views of all staff, rather than a portion of the staff of one division. Ideally, staff perceptions should be determined through the improved performance management reviews which will be conducted within Correctional Services and through continued improvement to the existing good lines of communication that exist between head office and work sites and between staff at various levels within work sites.

7. (b.) Recruitment System

The recruitment section covers a range of recruitment issues including job postings, affirmative action, accuracy of language, interview arrangements, labour relations and follow-up action.

Job Postings

Report recommends: that all Correctional Services staff have access to computers, receive computer training and be provided with user IDs in order to use these computers to facilitate access to job postings.

The report also recommends that sealed bulletin boards be placed in all work sites at a level which facilitates wheelchair access, that the sealed bulletin boards include the phone number and photograph of the Correctional Services consultant and that Justice HR provide job postings in Braille or large print for the visually impaired.

The report recommends that all expressions of interest and secondments be posted in a consistent manner at all work sites and that these postings be audited by the Human Resources to ensure that unnecessary restrictions are not placed on the locations of the postings.

Also, the Department of Justice is asked to recommend that PSC undertake a feasibility study regarding the use of Braille applications and review on-line applications to determine if there are any biases, either for or against candidates who apply on line.

Response: The issue of access to computers, training and user IDs for staff access to

job postings has been addressed in Community Corrections and at the youth facility in Waterville. Further work will be required with respect to adult facilities. A strategy that considers the necessary level of computer access, balanced with issues of hardware and software costs, will be established in co-operation with our Information Technology staff. Despite any practical difficulties that arise, it is recognized that computers are now a vital communication tool and a means of implementing many of the report recommendations.

There is no need to provide sealed bulletin boards. There are currently bulletin boards at all probation offices, youth facilities and adult facilities. Staff use them to learn about new job postings in addition to other pertinent operational (and social) information. It is understood that some concern was expressed with regard to one work site where one item may have been removed from a bulletin board. This matter will be assessed by management at that work site to ensure that information on bulletin boards is not removed.

There is legitimate concern that the installation of sealed bulletin boards at the remaining 21 work sites within Correctional Services would be insulting to staff and contrary to the objectives which we intend to achieve through compliance with the recommendations in the employment equity review report. We agree that the name, phone number and e-mail address of the Human Resources consultant for Correctional Services should be posted on the bulletin board or included on job postings. It would not, however, be appropriate to post the consultant's picture on the bulletin board. This is not an equity-related issue.

We will refer recommendations to the Public Service Commission regarding the use of Braille application formats and the identification of potential biases with reference to on-line application forms.

A needs analysis should be conducted before job postings for Correctional Services and applications are provided in Braille. It would not be possible for a person who is visually impaired to work in the vast majority of positions within Correctional Services, because of obvious safety and security concerns. This applies to correctional facility positions and careers within community corrections. In addition, staff interaction with offenders for interview and supervision purposes requires the capacity to assess the offender's condition and behaviour visually.

Correctional Services expressions of interest and secondments are currently vetted by Human Resources prior to posting and distribution. This recommendation does not appear to be based on a finding which requires corrective action, nonetheless, Correctional Services and Human Resources staff will continue to discuss this.

Affirmative Action

As was noted in the general recommendations section, the Department of Justice has implemented the provincial affirmative action program and will continue to develop an action plan in response to that program. The Public Service Commission will be conducting a review of the affirmative action policy to enhance its effectiveness. The Department of Justice will actively participate in this review.

Recommendations in the report with respect to affirmative action, although well intended, could produce unintended negative consequences for designated groups if the affirmative action initiative is not based on a precise knowledge of the need for affirmative action within Correctional Services. A number of staff have been hired and promoted through the use of affirmative action within Correctional Services to date, although the advisory committee which helped prepare the report would not be (and should not be) aware of that fact. Staff from designated groups are also being hired and promoted within Correctional Services based on merit.

Before 1970, correctional facility and probation office operations throughout the world, particularly adult male facilities, were staffed entirely by male officers and managers. Women faced an enormous challenge as they entered the adult male correctional facility work force across North America in the early 1970s. Their acceptance in the work force has grown as a result of the self-evident fact that women can perform correctional worker duties equally as well as males. Indeed, women add a dimension to an adult male correctional facility which reduces tension, promotes safety/security and enhances the professionalism of the operation. Women are being hired in Correctional Services in Nova Scotia in increasingly large numbers, both at the community corrections and correctional facility level, based on merit. Likewise, women are being appointed to management positions within Correctional Services based on individual merit without the need for affirmative action.

The report states that the number of aboriginal staff and African-Canadian staff who work in Nova Scotia Correctional Services is consistent with the overall rate of such designated groups in the Nova Scotia work force and the implication is that this ratio is therefore appropriate. To us, it is also important to consider the proportion of African-Canadian or Mi'kmaq staff to the number of African-Canadian or Mi'kmaq offenders.

Unfortunately, the proportion of African-Canadian and aboriginal offenders is higher than the ratio of these designated groups in the general working population. For that reason, our correctional services workforce should reflect that higher ratio. Continued efforts will be made to attract applicants from these designated groups. The fact that this is occurring is important in itself. Affirmative action, if properly applied, should be undertaken with discretion to ensure that the integrity of all employees is respected.

Where there is a perception that low numbers of designated groups are being hired, it is necessary to analyse the reasons for the perception. In the case of aboriginal and African Canadian staff, the primary factor is the low number of applications, hence the low numbers in the selection pool. The response may be a re-assessment of qualifications or improved marketing within targeted communities. A recruitment campaign may be helpful in this regard by sending a signal that a welcoming environment exists within the division and work site. Caution must be exercised, however, to ensure that designated persons are not stigmatized because of their hiring and deployment.

The Department of Justice staff look forward to further information and training by the Public Service Commission with respect to the Affirmative Action Policy. The department will provide feedback to the Public Service Commission regarding some of the issues raised in our response dealing with how best to apply that policy.

The Deputy Minister will be accountable to the minister for implementation of the action plan.

Accuracy and Language of Job Postings and Position Descriptions

All Correctional Services job descriptions have been updated recently through input and sign-off by all staff at the bargaining unit level through the Bargaining Unit Classification Review. Managers will go through the same process in the near future. Job postings are reviewed by Human Resources on an ongoing basis to make sure they are accurate, gender-neutral and do not portray any cultural biases.

Existing requirements for education and the need for First Aid/CPR certification for correctional workers are necessary to ensure a safe workplace and that high quality staff are hired to meet the unique challenges of working with offenders.

Interviews

Report recommends: that a 'frequently asked questions' item be given to potential candidates. It is also recommended that a checklist be prepared to assist panels in accommodating persons with disabilities.

Response: The purpose of an interview is to test a person's knowledge of subject matter and their suitability for a position. Questions are provided 30 minutes prior to the interview, at times, for behavioural-based interviews. It would be helpful to post general information regarding the objective of the interview, structure of the interview and the type of questioning which occurs during the interview process.

The recommendation calling for a checklist to ensure that persons with disabilities are accommodated is not required. All applicants who identify that they have a disability are accommodated.

Training

A key consideration with respect to this section is a definition of "training". The report uses various terms such as education, training, providing information, etc. These terms are not interchangeable. Information is normally provided in written form through directives, policies and procedures, standard operating procedures, etc. Staff are expected to read these documents, understand the meaning and take appropriate action. Training implies a dedicated time frame for instruction, normally in a group, for several hours or days and normally involves absence from the work force with accompanying costs for replacement and travel.

Report recommends: Four recommendations under this section state that Human Resources should provide human rights training to Correctional Services staff who are involved in applicant recruitment, selection and hiring, and that this training be provided with the assistance of a specialist or consultant experienced with disability issues. It is also recommended that staff who are involved in recruitment and selection receive current recruitment and selection training every three to five years and that the training be updated at the same intervals.

Response: Before responding to these recommendations, Correctional Services and Human Resources will need to determine the types of biases that could be introduced into the recruitment and selection process.

Recruitment and selection training is important for staff who are involved in the hiring process. The recruitment and selection training program has been re-written and was piloted in March 2004 with the new Captains at the Southwest Nova Scotia Correctional Facility in Yarmouth. This program will be delivered to all staff involved in recruitment and selection as part of the action plan.

The recruitment and selection training is updated by the Human Resources Division on an ongoing basis in consultation with the Public Service Commission. It is essential that this training be current. This training will also include information regarding disability issues, although experience has shown that persons with disabilities are always accommodated during interviews. We ask that applicants declare a disability in advance so we can make necessary arrangements to accommodate them.

Labour Relations

Report recommends: that NSGEU Local 480 be informed of the sections of Management Manual 500 which apply to Local 480.

Response: This matter will be referred to the Public Service Commission for consideration and action.

Follow-up

Report recommends: that all new NSGEU Local 480 staff be required to complete the Public Service Commission Work Force Survey and that the Commission should publish departmental results of the survey on its web site.

Response: The Department of Justice will send the work force survey to all Local 480 staff. The information will be combined with the civil service data and it will be available to interested groups. The information will also help us develop our work plan which will be used to respond to the recommendations.

7. (c.) Selection System

Recommendations regarding training, the interview process, probationary terms and legislation.

Training

Report recommends: that front line staff who set up interviews receive human rights training; that Justice Human Resource consultants participate on interview panels where other panel members have not received current recruitment/selection training; and that recruitment and selection training cover the areas identified in the employment systems review.

Response: Recruitment and selection training and information will address those issues which are identified in the employment systems review.

People who are involved in setting up interviews should receive information about any human rights related issues that may apply to the arrangement for interviews. Obviously, issues such as awareness of religious holidays, etc. will need to be conveyed. It is doubtful that formal training sessions are required to provide this information to staff. A reference hand book should be adequate for this purpose.

Formal training will be provided to staff who are involved in the interview process. It is important that staff learn about recruitment and selection through mentorship and modelling while participating on interview panels with knowledgeable and experienced Human Resources consultants. Staff are able to conduct their own interviews when they have demonstrated that they are qualified to do so.

Interview Process

Report recommends: that interview panels include females and other members of designated groups and that where this does not occur, a special report needs to be written, documenting the reason for the exception. The report recommends that an external consultant or specialist be hired to examine questions and testing instruments which are used by Human Resources to make sure there are no cultural or gender biases.

Additional interview process recommendations suggest that background check forms be developed and implemented to reflect the specific requirements for Correctional Services positions and that the "probing questions" in the recruitment and selection binder be eliminated or revised.

Response: Four out of five Human Resources consultants are female. In addition, interview panels are formed in such a way that they reflect the diversity of candidates applying for jobs.

Our Human Resource staff are a professional group. They are capable of managing this assessment process. They are also open to seeking external guidance when required.

When background checks are necessary, information is sought that is relevant to the bonafide job requirements for the position, especially for staff who work with youth.This is an important matter and will continue to be pursued.

The probing questions which are currently included in the recruitment and selection binder should be continued and perhaps extended. We are responsible to the citizens of Nova Scotia. Due to the nature of the work we do, quality staff are required for this function and we need to exercise due diligence in the hiring process. Questions should be examined for gender or cultural bias but they should not be removed because they challenge the applicant.

Probationary Term

Report recommends: that Correctional Services and Human Resources ensure that the probationary terms in the collective agreement are applied with consistency and that a policy for applying flexibility is implemented.

Response: Each probationary term is different based on the performance of the employee and each deserves to be assessed on its own merits in accordance with a set of common principles. Correctional Services and Human Resources will work together on an internal policy.

Legislation

Report recommends: that the phrase "In the best interests of the Civil Service" be moved from Section 17 of the *Civil Service Act*; that the Fair Hiring Policy be put into legislation; and that Sections 22 and 23 of the *Civil Service Act* be updated consistent with federal legislation.

Response: These matters will be referred to the Public Service Commission.

7. (d.) Retention System

The retention system themes includes training, operations, policies/procedures, Code of Professional Conduct, leave benefits, harassment, occupational health and safety, work site access, labour relations, and follow-up issues.

Training

Report recommends: that Human Resources conduct a training needs analysis for managers regarding performance management, leadership, policies/procedures and standing operating procedures. It is also recommended that wellness and respectful work place training be provided to "more staff, not just full-time staff" and all superintendents. It is further recommended that training be provided with regard to travel policy.

Response: Human Resources will work with Correctional Services to conduct a needs analysis of manager/supervisor training with regard to performance management issues. Training regarding policies/procedures, standing orders and leadership, however, is a divisional issue which is currently assessed on an ongoing basis as part of the annual Correctional Services training curriculum. There is a recognized need for enhancing frontline leadership training within government generally. We are actively discussing how this need might be met with the Justice Learning Centre.

Many staff have received respectful work place training and others, including Correctional Services managers, are scheduled for future sessions.

Travel policy is outlined in Management Manual 500 and in our divisional policies and procedures. All provincial government staff must comply with the policy.

Operations

Recommendation: that the Correctional Services Division undertake "consistency discussions" at staff meetings. It's also recommended that all facility-based Correctional Services staff should be response team members. A third operational recommendation suggests that research into programming for female offenders should be shared with Correctional Services staff to ensure that current standards of programming are met. It is also recommended that job sharing and flex time be used in the 24/7 operations of correctional facilities. Final recommendations required that critical incident stress management team members be represented by designated groups and that the call-out system for casual staff at correctional facilities be reviewed to make it more fair. Scheduling adjustments are currently made to assist staff with short-term needs involving family or health matters.

Response: We agree that Justice divisions (and, in fact, all government departments) should undertake "consistency discussions" to ensure that we are doing what we say we are doing and saying what we are actually doing.

The recommendation regarding response teams does not reflect current operations. All facility staff receive basic security training which qualifies them to serve as response team members as required. Allowance is made for those who are older or on light duties.

The recommendation regarding female offenders is part of the existing Correctional Services program review agenda. This matter will also be a topic for the national Heads of Corrections Sub-committee on Female Offenders (which is co-chaired by Nova Scotia).

The recommendation regarding job-sharing and flex time within a 24/7 shift schedule framework is problematic in view of the complexity of shift operations and the overriding need to provide a consistent level of service to the offender population.

It is important to be mindful of designated group representation on staff related leadership structures such as critical incident stress management teams. Designated group members have been included on these teams in the past but numbers have declined due to attrition. This recommendation will be observed as we recruit new people into our system.

The casual call-out system at the Nova Scotia Youth Facility in Waterville is based on the availability of casual staff and hours of work. When staff are not included on the normal two-week schedule, they are called out as required. Staff who have completed a shift the night or day before are obviously not called for a second back-to-back shift. The priority for call out is then based on those with the least hours of work in order to ensure fairness. Some casual staff choose to be available for call-out and some do not.

Policies and Procedures

Recommendation: that a risk analysis be completed with respect to each policy and procedure to determine the implication of improper application of these procedures. It is also recommended that guidelines with respect to staff dress at various work sites for uniformed and non-uniformed staff and both genders be specified. It is also recommended that the Department of Justice conduct an annual review of "personal protection policies and procedures" as they pertain to designated groups.

Response: The rationale for the review is not clear, nor is its connection to equitable employment practices. Implications for failure to comply with all policies and procedures and standard operating procedures in Correctional Services are serious in view of the nature of the operation. In the vast majority of cases, staff understand the implications of failing to comply with policy. We feel it is more productive to focus on issues identified by staff occupational health and safety committees.

Correctional Services has referenced specific dress requirements for both uniformed and non-uniformed staff. Dress codes for staff who are attending courses are identified in the course instruction materials. It is doubtful that any division or department within the Government of Nova Scotia has dress guidelines which are more prescriptive than those of Correctional Services.

The recommendation regarding an annual review of personal protection policies and procedures is based on a Human Resources Management Manual 500 requirement. Correctional Services policies and procedures regarding staff safety already address this matter in considerable detail.

Code of Professional Conduct (See Appendix B for complete text)

Recommendation: that Correctional Services implement a bullying policy and that we re-emphasize policies related to respect and zero tolerance pertaining to intimidation, sexual harassment and no discrimination. It is also recommended that a review of the Correctional Services Code of Professional Conduct be undertaken and that staff at all levels, including the union, be involved in this process.

Response: Staff are aware of the importance of this policy. The Correctional Services Code of Professional Conduct already contains references which cover "bullying". New procedures involving intimidation also address this matter. The need to re-emphasize the policy of zero tolerance regarding intimidation, sexual harassment and no discrimination will be done on an individual basis, case by case.

The Code of Professional Conduct was implemented with input from staff from all levels and the union was invited to respond. The former NSGEU Local 480 union executive chose not to respond to the document. The Code will be reviewed on an ongoing basis. Once again, staff will be asked for suggestions.

Staff Leaves

Recommendation: that Correctional Services provide communication and training for supervisory staff who deal with various types of special leaves and that we fully explain how to deal with special leaves of absence. It is recommended that Correctional Services monitor the application of policies and procedures regarding leaves of absence to ensure consistency and that the overall administration of sick leave continue to be addressed by the Joint Rehabilitation Committee of Local 480 and by managers in the civil service operations of Correctional Services.

Response: Managers are aware of the requirement to fully explain why some special leave requests are turned down. Explanations are given when requests for special leave are turned down. It is recognized, however, that some staff do not agree with the response. Our action plan will include a reminder to supervisory staff about the requirement to give reasons.

Special leaves are monitored on an ongoing basis. Each request is different and each is assessed on its own merits. Correctional Services managers view special leaves as a positive growth experience for staff provided that operational requirements are met.

Staff leave is a contractual issue which is also covered in policies and procedures. These procedures will be reviewed on an ongoing basis and communicated to staff as recommended.

Harassment

Recommendation: that Correctional Services and Justice review the penalties as they relate to sexual harassment and the no discrimination policy and that Correctional Services develop strategies to implement consistent accountability regarding the investigations of incidents related to sexual harassment or no discrimination.

Response: Penalties related to sexual harassment and the no discrimination policy are assigned by the Deputy Minister. Reports pertaining to both of these areas are prepared externally, consistent with Public Service Commission policy, and are delivered to the Deputy Minister with findings that cannot be disputed by the Department. The format for such investigations is currently under review by the Public Service Commission. Our division has been asked to provide advice in this matter. A harassment complaint is a serious matter for both parties. The report and response are treated with the utmost seriousness by the Deputy Minister and senior division executive directors.

Occupational Health and Safety and Access

Recommendation: that OH&S training be provided to OH&S committees and that such committees review their policies and procedures for possible adverse impacts on designated groups. It is also recommended that the OH&S consultant be able to access occupational therapists to assist staff in obtaining technical aids and that this fact be made known to Correctional Services staff. The report further recommends that all Correctional Services work sites be assessed by the Justice facility manager for accessibility.

Response: Managers and union OH&S committee members have received OH&S training. Further training is planned at the correctional facility level for other managers and sergeant positions. Training for union members is a union responsibility although the division has been providing training to all, regardless. Further OH&S training will be delivered consistent with requirements of the OH&S provincial government master committee. The recommendation regarding access by the Correctional Services OH&S consultant to occupational therapists is in place at present and staff are aware of this policy as required, through consultation with the consultant.

The Justice HR CSU recently created a three-person OH&S section to improve our program. One of the consultants is dedicated to Correctional Services.

The Department of Transportation and Public Works is responsible for confirming that accessibility requirements are met at all government work sites. The Department of Justice facility manager may liaise with T&PW regarding this function but it is a T&PW responsibility to ensure that government departments meet accessibility standards. Managers will review this with T&PW.

Public Service Commission/Labour Relations

Recommendation: that the Public Service Commission relocation policy be examined to determine if it has adverse effects on staff who apply for promotion and transfer within Justice; that designated group representation on the union executive and among union stewards be discussed with Local 480 and the NSGEU Civil Service bargaining group; that PSC review its attendance management policy to determine if it has adverse impacts on persons with disabilities; that the PSC discuss the application of bereavement leave and holiday leave with respect to diverse groups and pregnancy/adoption/parental leaves for Local 480 with the NSGEU.

The report further recommends that the PSC discuss with the NSGEU, the possibility of establishing a joint rehabilitation committee for the administration of sick leave, similar to the committee that exists within the Department of Justice, Correctional Services division.

Response: These recommendations will be forwarded to the Public Service Commission for consideration and action.

Follow-up

Recommendation: that Correctional Services implement an exit interview process with staff and that the results of these interviews be posted on the Justice web site on a quarterly basis. It is also recommended that Human Resources review PSC staff survey results to see if they might apply to employment systems within Correctional Services.

Response: We feel this is an excellent idea and should be considered by Correctional Services. Human Resource staff throughout government are currently reviewing processes for exit interviews. It would not be appropriate, however, to make public the results of exit interviews, considering the confidentiality of the process.

Human Resources will review PSC staff survey results for applicability to Correctional Services operations.

7. (e.) Training and Development

The section on training and development encompasses policies/procedures, posting of training opportunities, training needs analysis, funding, accessibility of training sites, career counselling, training instructors and Public Service Commission/labour relations issues.

Recommendation: that Correctional Services review training policies/procedures to confirm that they are based on employment equity principles and that all training and development opportunities of PSC, Justice Learning Centre, Human resources and Correctional Services be posted on the internet/intranet and Correctional Services bulletin boards. It is recommended that a needs analysis of Correctional Services staff training be conducted; that funding be set aside for casual and part-time staff; that all training locations are accessible and that mechanisms for providing staff with career counselling be explored. It is further recommended that Correctional Services provide more information to staff regarding expressions of interest for staff training opportunities and that Correctional Services trainers be properly qualified to teach the programs that are assigned to them.

The report makes several recommendations pertaining to the Public Service Commission, including removal of the requirement for employees to be selected for developmental training on the basis of "developmental initiatives taken independently by the employee"; that the clause in the Local 480 collective agreement regarding an annual contribution of $3,000 for training be reviewed; and that the PSC set refresher standards for diversity, employment equity and sexual harassment and no discrimination training.

Finally, it is recommended that Correctional Services complete an annual audit of mandatory training completed in the previous year to ensure that staff who are required to take such training do so.

Response: Correctional Services policies and procedures regarding staff training and development are based on equity principles. The report does not provide an example of a training and development policy or procedure that is culturally, racially or gender-biased.

Public Service Commission, Justice Learning Centre and Correctional Services courses are currently listed on the intranet and are available to all staff through general use computers as has been identified earlier in the communications section of the general recommendations. Correctional Services courses, however, are not optional "general interest" courses. Staff are required to take these courses for safety, security and program delivery purposes.

Correctional Services staff training needs are reviewed annually by head office, superintendents, senior probation officers and their respective staff prior to the curriculum being developed and the schedule implemented for the year. Part-time and casual staff receive training as required for safety/security and program purposes related to their position and job requirements. All staff who receive training within Correctional Services are trained in locations that are accessible. Participant access is a consideration prior to scheduling training events.

The recommendation regarding career counselling is unclear. Recommendations noted earlier in the report regarding mentoring are self-evident and accepted. The recommendation regarding career counselling is very costly and the rationale for the recommendation needs further development before priority is given to this area. If the recommendation is accepted, it would need to apply to all divisions within the department and to all departments of government.

Correctional Services currently strives to ensure sufficient information is provided in calls for expressions of interest for part-time training positions and that each expression of interest notice includes the name of a contact person. All Correctional Services trainers are properly trained to deliver the program that is assigned to them. Correctional Services trainers have necessary certification and prerequisite training, including principles of adult learning training.

The recommendation regarding an annual audit with mandatory training is noted and is currently on the to-do list of the Correctional Services training section.

The recommendations pertaining to the Public Service Commission and discussions between NSGEU Local 480 and the union will be referred to the Public Service Commission for consideration and action, as appropriate. The reference to section 37(2) of the NSGEU Local 480 collective agreement regarding a $3,000 contribution for training is a contractual matter which will likewise be forwarded to the Public Service Commission for review. This article of the collective agreement is an anachronism dating back almost 20 years. Correctional Services Local 480 staff are trained at a level which far exceeds $3,000 per year based on current requirements for safety, security and program delivery.

7. (f.) Promotion/Upward Mobility

The section on promotion and upward mobility encompasses performance appraisal preparation and related training.

Recommendation: that performance appraisals be completed for all staff on an annual basis and that the performance targets of managers reflect this requirement. It is recommended that managers receive training on the preparation of performance appraisals with specific emphasis on recognition of "extra efforts by staff" and how to be sensitive to cultural and gender issues in the application of performance management. It is recommended that Human Resources update performance management training to reflect these requirements.

Response: Although performance appraisals are completed at all community corrections offices, there are some areas within correctional facilities where performance appraisals are not being done on an annual basis. Corrective action will be taken and managers will include this requirement in their performance targets.

Correctional Services managers will continue to receive performance management training. Training regarding cultural/gender sensitivity in the application of these reviews will be incorporated.

Correctional Services managers currently strive to recognize extra efforts of staff during the performance appraisal process and letters of appreciation/commendation are frequently sent to staff.

7. (g.) Lay-off, Recall, Discipline, Termination

This section deals with how we provide labour-related information to staff at the time of hiring; recommendations to the Public Service Commission; and the review of lay-off processes that were used when the Shelburne Youth Facility was closed.

Recommendation: that when casual staff are hired, they be made aware of the mandatory lay-off requirements of the Labour Standards Code and that information on lay-offs, recall, disciplinary action and terminations be included as part of the orientation package. The report also suggests that Employment Assistance Plan brochures be made available to all Correctional Services staff.

It is also recommended that the Public Service Commission reinstate the Transition Support Program, provide medical insurance coverage for staff on the recall list and that the Commission remove the words "because of physical or mental capacity" from Section 91 of the Civil Service Regulations.

It is further recommended that the processes which were used regarding staff lay-off at the time of closure of the Shelburne Youth Facility be reviewed to determine what worked well and what could be improved in the future.

Response: The recommendations pertaining to the mandatory lay-off provisions in the Labour Standards Code and information regarding lay-off, disciplinary action and terminations will be reviewed by Human Resources for their consideration and action as appropriate. Recommendations regarding the Transition Support Program, medical insurance coverage and amendments to the Civil Service Regulations will be referred to the Public Service Commission.

The recommendation regarding a review of processes used during the lay-off of staff at the Shelburne Youth Facility will also be referred to the Public Service Commission.

8. Where To From Here?

The Correctional Services Employment Systems Review is really all about the future. And the past is the context for the future. While a great deal of progress has been made, we need to continue to be open, responsive and vigilant about change - and the implications for our systems and our people.

Today's standards and expectations in the field of corrections are a far cry from the 1950s and 60s. Today we are an integrated division that employs more than 600 dedicated staff who are working on exciting, modern approaches to our work in correctional facilities and in community corrections.

While a great deal of progress has been made, we need to be open and constantly vigilant about change - and the implications for our systems and our people.

Now, in the 21st century, we find ourselves ahead of the curve, working to involve designated groups even more in the management and daily operations of Correctional Services.

As Justice Minister Michael Baker commented when the review's recommendations were made public in April 2004, "we all stand to gain when practical suggestions come forward to support productive, efficient work environments. We have an obligation to make sure all staff know what their rights and responsibilities are when it comes to fair and equitable treatment in the workplace."

Appendix A - Code of Professional Conduct - Correctional Services

Code of Professional Conduct

CORRECTIONAL SERVICES

Code of Professional Conduct

CORRECTIONAL SERVICES

© Crown copyright, Province of Nova Scotia, 2001

For further information contact:
Department of Justice
Correctional Services Division
(902) 424-6290

Internet: www.gov.ns.ca/just

Contents

Policy Objective 5

Principles 5

General Responsibilities Respecting the Code of Professional Conduct 5

Definitions 6

Code of Conduct 7

1. Responsible Discharge of Duties 7
2. Conduct and Deportment 8
3. Positive Work Environment 10
4. Relationship with Offenders 11
5. Conflict of Interest 12
6. Confidentiality, Protection, and Sharing of Information 14

Penalties and Consequences 16

Code of Professional Conduct

Policy Objective

To ensure high standards of conduct for employees of the Correctional Services Division of the Department of Justice.

This Code of Professional Conduct is consistent with existing expectations of Correctional Services employees and the Government of Nova Scotia Code of Conduct for Civil Servants, which was approved by Executive Council and implemented effective September 1, 2000.

Principles

Correctional Services employees are expected to contribute to the good order, safety, and security of their work environment and to public confidence in correctional programs. In addition, Correctional Services shall strive to:

1. provide the public with a Correctional Service that is efficient, effective, and professional and conducts its work with impartiality and integrity
2. provide offenders with a Correctional Service that is professional, provides for their safety and security, and offers services that assist in their rehabilitation
3. provide employees with an integrated Correctional Service that is professional, properly trained, and mutually supportive.

General Responsibilities Respecting the Code of Professional Conduct

1. Management of the Correctional Services Division shall:
   a. act in accordance with the Code of Professional Conduct
   b. ensure that all activities of managers and business systems of the Correctional Services Division promote the principles contained in the Code of Professional Conduct
   c. ensure that all employees are informed of the Code of Professional Conduct

d. ensure that a copy of the Code of Professional Conduct is available to all employees at all work sites

e. promptly and impartially take appropriate corrective action where violations of the Code of Professional Conduct are identified.

2. Employees of the Correctional Services Division are responsible for adhering to the Code of Professional Conduct. Arising from the Code of Professional Conduct are rules that employees of Correctional Services are expected to observe. Examples of professional conduct are provided in a list below each rule. These lists are not exhaustive.

3. Each employee of the division is expected to be fully conversant with, and adhere to, the policies, procedures, standard operating procedures, and directives that impact on their work with Correctional Services.

4. This Code of Professional Conduct applies to all Correctional Services employees appointed by the Province of Nova Scotia, including management, bargaining unit employees, students, and others who assist in the delivery of Correctional Services programs, as appropriate.

Definitions

Employee

A person appointed by the Department of Justice to be on the paid staff complement of the Correctional Services Division on a permanent, full-time, casual, or part-time basis. This policy will also be used as a guideline for dealing with students and volunteers within the division.

Offender

A person who is currently under the supervision and/or jurisdiction of the Correctional Services Division.

Ex-offender

A person who has been found guilty or convicted of a criminal offence and has been under the supervision of a correctional authority.

Work environment

Work environment includes the work site of the employee and activities outside of the workplace where interaction occurs between

individuals who have an employment relationship or the behaviour/ conduct impacts on the workplace or working relationship of individuals at the work site.

Code of Conduct

1. **Responsible Discharge of Duties**

   Employees are expected to work co-operatively with others to achieve the objectives of the Correctional Services Division. Employees shall fulfil their duties in a diligent, timely, and competent manner with due regard for the values and principles contained in the Mission Statement and the Code of Professional Conduct and in accordance with policies, procedures, and directives.

   Employees shall:

   a. ensure accuracy when signing a statement or record in relation to attendance or the performance of duty

   b. be punctual and remain at their assigned security post if employed in a correctional facility unless authorized to leave

   c. co-operate with any investigation that is conducted or authorized by supervisory staff

   d. obey lawful instructions, written or otherwise, issued by supervisory staff

   e. make reasonable efforts to avoid and prevent unjustified waste, loss, or damage to any property in their professional care

   f. refrain from taking or borrowing for personal use any stores or supplies purchased or supplied to a correctional facility or community corrections office

   g. as a supervisor, take appropriate action when an employee acts contrary to the Code of Professional Conduct

   h. report to their respective manager any contraband found in the possession of any person

   i. restrict use of force to that which is reasonable and necessary to carry out legal duties

   j. take appropriate action when an offender:

i. escapes or attempts to escape

ii. assaults an employee, another offender, or a member of the public

iii. engages in any action likely to endanger life or property

k. refrain from the use of indecent or profane language while on duty

l. treat the public, other employees, and offenders with respect, dignity, and courtesy in the work environment or in circumstances related to their duties

m. exercise vigilance in the performance of supervisory functions, thereby refraining from reading newspapers, novels, periodicals, or magazines, watching television, playing games, or performing any other attention-diverting activity that could detract from the performance of duty

Note: A supervisor may authorize an employee to review or read job-related publications or engage in skill-improving activities while on the job if the nature of the employee's duties are such that constant vigilance is not required.

n. facilitate and support the work of other employees while on duty or under circumstances related to their duties

o. adhere to established safety practices

p. promptly report a work accident

q. perform their duties in a careful manner to prevent risk or harm to any person

r. properly account for and safeguard any public money or property or any money/property of any other person(s) coming into their possession in the course of duty as an employee of Correctional Services.

2. **Conduct and Deportment**

Behaviour, both on and off duty, shall reflect positively on Correctional Services and on the Public Service generally. All employees are expected to present themselves in a manner that promotes a professional image, both in their words and in their actions.

Employee dress and appearance while on duty must convey professionalism and must be consistent with employee health and safety.

Employees are reminded of the sensitivity of their positions and that they are viewed as role models by offenders, their families, other justice services, community agencies, and the public.

Employees shall:

a. display appearance and deportment that reflects the professionalism of an employee of Correctional Services while on duty or while in uniform

b. advise their management supervisor, within 24 hours, if they have been questioned or charged by the police regarding alleged criminal activity on their part

c. notify their management supervisor if their motor vehicle licence has been or will be cancelled, suspended, or removed, if the employee is required to maintain a valid driver's licence as a requirement of employment

d. refrain from consuming at the workplace, or otherwise bringing to the workplace, alcohol or other drugs except medication as prescribed by a physician

e. report for duty without impairment or sign of impairment, including but not limited to, the odour of alcohol or other indication of the prior consumption of alcohol, drugs, or an intoxicant of any nature

f. advise their workplace manager or supervisor accordingly before assuming their duties if they are on prescribed medication that may impede performance of normal duties

g. refrain from sleeping while on duty or from being so positioned as to give the appearance of sleeping

h. ensure that their uniform is neat and in good repair

i. wear the required uniform or otherwise meet dress code requirements while on duty unless otherwise specified by their superintendent, senior probation officer, or manager

j. refrain from wearing a uniform or any part thereof outside of working hours except as provided for in this policy or with the specific consent of the superintendent

k. refrain from altering the uniform in any manner apart from alterations that are intended to accommodate size requirements

l. return their uniform and professional identification material when they cease to be employed by the Correctional Services Division, Department of Justice.

3. **Positive Work Environment**

All employees, including managers and bargaining unit members, are expected to contribute to the development and maintenance of a safe, healthy, and secure work environment, free of harassment and discrimination. Relationships with other employees must promote mutual respect and a teamwork environment within Correctional Services.

Discrimination involves unequal treatment, usually less favourable, toward others regarding race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), gender/sex (including pregnancy), political belief, medical condition, source of income, sexual orientation, age, record of offences, marital status, family status, and handicap (disability). Discrimination may be directed toward an individual or take the form of a poisoned work environment where an uncomfortable atmosphere is created.

Harassment is a form of coercive discrimination that involves persistent and repeated conduct or comments that should reasonably be known to be unwelcome by the recipient or others in the work environment. Harassment may be verbal, physical or sexual and may be deliberate or unintended.

It is expected that all employees will:

a. treat all people fairly and with dignity

b. refrain from the use of offensive remarks or behaviour

c. respect differences in others (i.e., cultural beliefs, religious practices, etc.)

d. refrain from involvement in any form of harassment or discrimination

e. speak up against discrimination and harassment in the work environment.

4. **Relationships with Offenders**

Employees must actively encourage and assist offenders to become law-abiding citizens. This duty includes establishing constructive relationships with offenders to encourage their successful reintegration into the community. Such relationships require honesty, firmness, fairness, consistency, and integrity. Employees shall promote a safe and secure workplace and respect the cultural, racial, religious, and ethnic background and the civil or legal rights of the offender. Employees shall avoid conflicts of interest with offenders and their families.

If there is uncertainty about the propriety of the relationship between an employee and an offender or ex-offender, the employee shall consult with the director of their operating unit. The director shall consider the circumstances, including whether or not the offender or ex-offender is a family member or friend of a family member or whether or not the relationship existed prior to the offender's involvement in the justice system.

Employees shall:

a. treat offenders and their families fairly and with courtesy, respect, and honesty while on duty or in circumstances related to their duties

b. avoid any type of personal or professional business relationship with an offender or ex-offender, their friends, or relatives if the nature of that relationship would compromise the integrity of an employee's status with the Correctional Services Division

c. avoid hiring an offender to perform any work or provide any service without first obtaining the written permission of the employee's management supervisor;

d. report to management all situations of mistreatment of offenders by employees or other offenders

e. refrain from providing legal advice to an offender or an offender's relative

f. refrain from performing personal favours for offenders where such behaviour is beyond the normal scope of employee duties and/or is a violation of operational rules.

5. **Conflict of Interest**

A conflict of interest is a situation in which an employee, for personal gain or the benefit of others, attempts to promote a private or personal interest that results in the following:

a. interference with the objective exercise of the employee's duties in government service

b. a gain or an advantage by virtue of the employee's position in government service.

Employees shall perform their duties on behalf of the Government of Nova Scotia with honesty and integrity. Employees must not enter into business or private ventures that may be, or appear to be, in conflict with their duties as correctional employees/peace officers and their overall responsibilities as employees of the Province of Nova Scotia.

Employees shall:

a. arrange their private interests in a manner that will prevent a conflict of interest, with any doubt in this respect being resolved in favour of the public interest

b. disclose conflicts of interest and follow the decision of management with respect to a declaration of conflict of interest

c. refrain from supplementary employment or employment external to their professional government duties that:

i. gives rise to a conflict of interest or to a situation that would appear to be a conflict to an informed, objective observer

ii. may bring the government, the Department of Justice, or the Correctional Services Division into disrepute

iii. is conducted during the employee's normal professional working hours in any location, unless sufficient time is taken

either at the beginning or end of the working hours and the employee ensures that the recipients of the work are aware that the work is conducted in accordance with this policy

iv. conflicts with performance of professional duties

Note: The supervisor may require that such employment or activity be curtailed, modified, or ceased if it is determined that the employment or activity is inconsistent with this policy.

d. not solicit or accept, directly or indirectly, a fee, gift, or benefit from a person or an organization who has dealings with government where the fee, gift, or benefit could influence the performance of official duties and functions

e. not solicit or accept fees, gifts, or other benefits that are connected with the performance of their public duties for reasons other than:

i. the normal exchange of gifts between friends

ii. the normal exchange of hospitality between persons doing business together

iii. tokens exchanged as part of protocol

iv. the normal presentation of gifts to persons participating in public functions

f. obtain authorization from the director of their operating unit before trading in intellectual property that has been developed by employees of the Correctional Services Division for use within the division

g. obtain authorization from management and provide reimbursement to government when using government equipment, including cellular phones and fax machines, for personal use

h. refrain from personal activities that detract from performance of their duties such as extended visits of a personal nature during hours of duty, leaving the workplace to engage in personal errands, or placing/receiving lengthy personal telephone calls

i. refrain from misrepresenting or misusing their professional position, title, or authority for personal advantage in dealing with others

j. adhere to restrictions on political activities that are identified in provincial government policies that govern the involvement of public employees in such activities

k. benefit from government programs, services, and initiatives only to the extent that a member of the public benefits therefrom

l. benefit from information that is obtained in the course of employment only to the extent that a member of the public may benefit therefrom

m. not benefit from the use of or permit the use of government property, including property leased to the government, or government services for anything other than the performance of official duties and functions and otherwise only to the extent that a member of the public may use or benefit therefrom

n. disclose to the manager responsible for the operating unit the fact that the employee's spouse or dependent children have a contract or agreement with the government or with any minister or department of government, unless the contract or agreement has been awarded through public tender.

6. **Confidentiality, Protection, and Sharing of Information**

Employees shall maintain confidentiality with respect to the security of offender-related information that is acquired through their employment. They shall ensure that appropriate information is shared in a timely manner with offenders, with other criminal justice agencies, and with the public, including victims, as required by legislation and policy.

Consistent with a public servant's duty of fidelity and loyalty, employees shall not knowingly or deliberately criticize the employer's policies, procedures, or programs. Employees who feel aggrieved are expected to bring their concern to the attention of their immediate management supervisor and, as appropriate, use approved channels of appeal, including grievance procedures with their collective bargaining agreement.

Employees shall:

a. maintain confidentiality regarding all workplace- and offender-related information except communication that is required for the professional performance of duties

b. not communicate with, or provide information to, agents of the news media regarding policies, incidents, or other circumstances related to functions performed by the Correctional Services Division without authorization from the Director of Communications for the department

c. properly safeguard all documents, reports, directives, manuals, or other information of Correctional Services

d. disclose, where appropriate, any information that the employee has an obligation to disclose

e. refrain from using confidential information obtained in the performance of their duties for actual or anticipated gain

f. refrain from conveying messages to or from an incarcerated offender except under such circumstances as are necessary in transacting the business of the correctional centre as approved by the superintendent.

Employees who are union stewards, executive members, or union officials may make public comment with respect to:

a. collective bargaining matters

b. administrative or implementation practices relating directly to specific articles of the collective agreement.

Employees who are union stewards, executive members, or officials may not:

a. make public comments that are knowingly or recklessly false or malicious in nature or that involve statements that may jeopardize the safety and/or security of the public, Correctional Services employees, or offenders

b. engage in union activity while on duty unless such activity is authorized by management, the appropriate collective agreement, or division policies and procedures.

Penalties and Consequences

1. Employees who do not comply with the provisions of this code may be subject to disciplinary action up to and including dismissal, based on the reasonable exercise of discretion on the part of the employer, taking into consideration all relevant circumstances.
2. Contractors, para-professionals, volunteers, and students who do not comply with this policy will be subject to review of their contracts or employment arrangements. Remedial action may be taken, up to and including termination of their contract or service arrangements with Correctional Services.

Department of Justice
Correctional Services